



19 JUN 2002

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In re Application of	:	DECISION ON
BROWN et al.	:	
Application No.: 10/031,003	:	PETITION UNDER
PCT No.: PCT/GB00/01652	:	
Int. Filing Date: 28 April 2000	:	37 CFR 1.182
Priority Date: 30 April 1999	:	
For: FIRE RETARDANT COMPOSITIONS	:	

This is a decision on applicants' "Petition under 37 CFR 1.182", filed with the United States Patent and Trademark Office (USPTO) on 29 March 2002. Applicants request that the application reflect joint inventor Marie-Laure David's family name change from Marie-Laure David to Marie-Laure Bastiment. The \$130 petition fee was paid.

On 19 October 2001, within 30 months from the priority date of the international application, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee. The international application indicated that the inventors/applicants for the United States of America included Marie-Laure David as a named joint inventor.

On 15 March 2002, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the \$130 surcharge for filing the oath or declaration after the thirty month period was required.

On 29 March 2002, applicants filed the instant communication in response to Notification of Missing Requirements including the petition under 1.182. The petition indicated that Marie-Laure David changed her family name to Marie-Laure Bastiment subsequent to the filing of the international application. Applicants also submitted an affidavit signed by Marie-Laure David and Marie-Laure Bastiment indicating the reason for the name change and a declaration signed by Marie-Laure Bastiment and the other named inventors as inventors of the subject application. Applicants also paid the \$130 surcharge fee for the filing of the oath/declaration later than thirty months from the priority date.

### DISCUSSION

As explained in MPEP 605.04(c), applicants must provide "an affidavit signed with both

names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order." Here, applicant submitted an affidavit signed with the name, Marie-Laure David and Marie-Laure Bastiment. Ms. David states that her marriage resulted in a change of name from David to Bastiment. The evidence is sufficient to conclude that Marie-Laure David changed her name by marriage to Marie-Laure Bastiment.

The declaration submitted on 29 March 2002 identifies each inventor and country of citizenship of each inventor. However, the declaration submitted contained two identical sheets of page 3 and two identical sheets of page 4. Each page is signed by different inventors. Thus, the declaration is not properly executed. It appears that the attorney pieced together two separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. What is required is one declaration where all inventors have signed or two separate complete declarations. Thus, the requirements of 37 CFR 1.497 have not been met and the declaration is unacceptable.

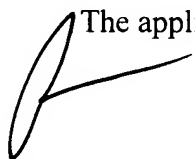
### CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Marie-Laure David to Marie-Laure Bastiment is GRANTED.

The declaration submitted on 29 March 2002 is unacceptable as filed. What is required is one declaration where all inventors have signed or two separate complete declarations in compliance with 37 CFR 1.497. Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497 within TWO (2) MONTHS from the mail date of this Decision.

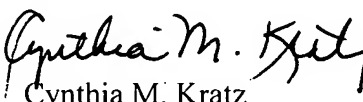
Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

The application will be held in the PCT Legal Office to await applicant's response.



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